

WAF

AO 91 (Rev. 11/11) Criminal Complaint

AUSA Kelly Guzman (312) 353-1598

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILEDS-15-2015
MAY 15 2015

UNITED STATES OF AMERICA

v.

MOHAMMAD WAQAS KHAN

CASE NUMBER:

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT**15CR 286**
MAGISTRATE JUDGE MASON**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From on or about May 7, 2015 to on or about May 15, 2015, at DuPage County, in the Northern District of Illinois, Eastern Division, the defendant(s) violated:

*Code Section**Offense Description*

Title 18, United States Code, Section
875(c)

transmitting in interstate commerce
communications containing a threat to injure the
person of another

This criminal complaint is based upon these facts:

X Continued on the attached sheet.



TIMOTHY WALTHER

Special Agent, Federal Bureau of Investigation
(FBI)

Sworn to before me and signed in my presence.

Date: May 15, 2015



Judge's signature

City and state: Chicago, Illinois

MICHAEL T. MASON, U.S. Magistrate Judge

Printed name and Title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

ss

AFFIDAVIT

I, TIMOTHY WALTHER, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed for seven years. My current responsibilities include the investigation of criminal violations relating to terrorism and other violent crimes.

2. This affidavit is submitted in support of a criminal complaint alleging that Mohammad Waqas Khan has violated Title 18, United States Code, Section 875(c). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging KHAN with transmitting in interstate commerce communications containing a threat to injure the person of another, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents and from persons with knowledge regarding relevant facts.

SUMMARY OF THE INVESTIGATION

4. The FBI is investigating a series of threatening messages posted by Mohammad Waqas Khan ("KHAN"), through the use of the internet, on his publicly

available Facebook page. These messages express the author's animus for American and Pakistani political figures and Chicago-area elected officials. Since the beginning of May 2015, the threatening posts have become increasingly specific and concrete, discussing plans and rehearsals to identify specific targets and means of harming them. For instance, on May 7, 2015, KHAN threatened to "hunt aggressively" for a "high net worth individual to shoot" and stated "I have a month." On May 14, 2015, KHAN posted, "I'm not leaving America without getting revenge even if it costs me my life." On May 14, 2015, law enforcement verified that KHAN purchased an airline ticket on April 24, 2015 to travel from Chicago to Karachi, Pakistan, departing June 8, 2015 at 8:30 p.m., and returning on July 20, 2015. The FBI has also determined that KHAN legally owns at least three firearms, and that witnesses have seen KHAN with these weapons at his home.

FACTS SUPPORTING PROBABLE CAUSE

KHAN's Facebook Account

7. The following paragraphs are based on my training and experience and information available from Facebook (www.facebook.com):

a. Facebook owns and operates a free-access social networking website of the same name that can be accessed at www.facebook.com. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

b. Facebook users can select different levels of privacy for the

communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users.

c. Facebook users access Facebook through the use of the internet, typically through computers and cell phones. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items that users have uploaded or that are available elsewhere on the Internet.

8. According to information obtained from Facebook, KHAN opened his Facebook account in December 2011 and his profile contains approximately 22 photographs. Among these photographs are pictures of at least three firearms. One of the photos shows an individual in a mask holding a shotgun. Another photograph is a photo of KHAN that I identified by comparing the image to KHAN's driver's license photo. KHAN's Facebook profile can be viewed by anyone with access to the internet. Since opening his account in 2011, KHAN has posted messages and links to articles and other information to his own profile almost daily, often more than once per day. Since May 2015, these posts have included threats of violence that have become increasingly concrete, specific, and determined in nature.

KHAN's Threats Over The Internet

9. On May 7, 2015, at 2:33 p.m., KHAN posted to his Facebook profile:

"[t]his is not a moral world so I think it's time that you stop moralizing. Stop moralizing and start FIGHTING. ...You need to pick up arms and raise hell. That's it. I don't want to hear anything else. I don't want to hear about how badly he slapped you, or how fast you tried to run, or how much you cried for peace when you got home. Just fight, that's it."

10. On May 7, 2015, at 4:56 p.m., KHAN posted, "[t]he noise pollution around my house must come to an end IMMEDIATELY. All forms of pressure being applied against me must come to an end immediately. Tonight might be a bloody night. There has been deliberate noise pollution around my house constantly for weeks. I'm at the end of my patience. This organized persecution will no longer be tolerated. Tonight is promising to be a murderous night!"

11. On May 7, 2015, at 6:29 p.m., KHAN posted, "Alrightttt you called for it... I'm goin hunting tonight baby!"

12. On May 7, 2015, at 9:22 p.m., KHAN posted, "If I see a high value target Ima exploit it. I'm not killin sum bum on the street. I want a high net worth individual to shoot. I want this to be a real human tragedy. Much mourned." KHAN also specified a time frame for the threatened violence, saying, "I have a month," and "Ima hunt aggressively tonight. Keep an eye out for ideal victims."

13. On May 8, 2015, at 12:26 a.m., KHAN posted, "[g]ood dry run tonight. Saw a couple of excellent targets. The key is right approach and timing." In the post, KHAN mentioned the presence of many "witnesses" that night but wrote, "Inshallah [God willing] the deed will be done well before the deadline I have set."

[...] When I have said something, it means I will do it. The rest is opportune timing.”

14. On May 13, 2015, at approximately 1:30 p.m., KHAN posted, “Rahm has led the city of Chicago down the road of perdition decades before its time... Rahm Emanuel and the uppity aldermen have doomed Chicago to an early grave. You shall be taught a lesson you will not forget! Rabid dogs!”

15. On May 14, 2015, at approximately 1:11 a.m., KHAN posted, “The gun is cocked and ready to go. You keep sending those witnesses around and they’re gona see some shit go down that might not have signed up for. Now I’m gona get my revenge, and that involves putting bullets in someone’s body, so get out of the way or I’ll literally shoot at them as well and we’ll end up with a much bigger scenario on our hands. I’m not leaving America without getting my revenge even if it costs me my life. And that’s that. You’re not going to intimidate me by threatening to become a witness.”¹

KHAN’s Ownership of Firearms

16. According to law enforcement databases, KHAN possesses a firearm owner’s identification (FOID) card, indicating that he has the ability to legally purchase and possess firearms. According to law enforcement databases, KHAN purchased three firearms using his FOID card: two in Hoffman Estates on September 3, 2014 and October 30, 2014, and one in or around Lombard on March

¹ As of 2:30 p.m. on May 14, 2015, this post has been removed from KHAN’s Facebook profile. However, agents have and are maintaining a screenshot of this post as it appeared at 1:11 a.m.

22, 2014.

Interview with Individual B

17. On May 13, 2015, FBI agents interviewed Individual B, who identified himself as the brother of Individual A, KHAN's only Facebook "Friend." Individual B stated that his brother, Individual A, is a medical student living in Des Moines, Iowa. Individual B stated that he and his brother have been family friends of KHAN's for many years and that his parents are friends with KHAN's parents. Although Individual B is not aware of KHAN's Facebook profile, FBI agents showed Individual B photographs of firearms from KHAN's Facebook profile, and Individual B told the agents that he recognized the firearms as guns that KHAN had shown him at KHAN's residence in the winter of 2014. Individual B stated that KHAN brought Individual B to his bedroom and pulled the firearms out from underneath the bed, and that Individual B recognized the curtains and the bedframe in the photo from KHAN's Facebook account as items in KHAN's bedroom. Individual B also told agents that he was with KHAN when KAHN purchased a Glock pistol sometime in 2014. Based on my training and experience, the firearm pictured in one of the photos from KHAN's Facebook page is a semi-automatic Glock pistol.

Interview with Individual C

18. On May 14, 2015, FBI agents interviewed Individual C, who was identified by Individual B as a close family friend to KHAN. Individual C stated that he has known KHAN since he was 12 or 13 years old. Individual C stated that he and KHAN became friends because their parents were friends and they have

remained friends since. Individual C stated that he had been to KHAN's home on numerous occasions over the years and identified the bedroom in one of the photos from KHAN's Facebook profile as KHAN's bedroom. Individual C also stated that he went shooting with KHAN on November 3, 2014. Individual C identified the guns pictured in the photos from KHAN's Facebook page as the guns he believed they had used at the shooting range. Individual C also stated that KHAN had plans to travel to Pakistan on June 8, 2015.

KHAN's Most Recent Threats

19. According to law enforcement databases, there are two cars, including one silver 2005 Toyota Corolla, License Plate no. 6334068, registered to the KHAN's residence² in the name of KHAN's father.

20. On May 13, 2015, at approximately 7:15 p.m., law enforcement surveillance was established outside KHAN's residence and observed the Toyota back out of the driveway. The Toyota drove past a surveillance vehicle and agents recognized KHAN as the driver, based on his driver's license photograph.

21. After seeing KHAN depart his residence in the Toyota, agents maintained surveillance of KHAN in his vehicle for several hours. Shortly after departing his residence, KHAN drove to a location, pulled over and picked up a passenger. He then drove to a second location, where the passenger exited KHAN's

² According to Illinois Secretary of State's Office records, KHAN is 29 years old and his driver's license lists an address in Glen Ellyn, Illinois as his residence. Law enforcement surveillance officers also identified KHAN entering and exiting the residence at that address based on his driver's license photograph. In addition, Individual B gave a description of KHAN's residence that matched surveillance agent's observations of KHAN's residence.

vehicle. When the passenger exited the Toyota from the backseat, law enforcement approached him/her and he/she informed law enforcement that he/she had ordered a ride through an online ride sharing company. For the next several hours, KHAN continued to pick up passengers and drop them off. At some point, law enforcement lost sight of the Toyota. In total, the vehicle was out of sight for approximately an hour. At approximately 1:00 a.m., agents returned to KHAN's residence to re-establish surveillance and observed that the Toyota had returned and was parked in the driveway.

22. At approximately 1:11 a.m., KHAN posted the following:

The gun is cocked and ready to go. You keep sending those witnesses around and they're gona see some shit go down that they might not have signed up for. Now I'm gona get my revenge, and that involves putting bullets in someone's body, so get out of the way or I'll literally shoot at them as well and we'll end up with a much bigger scenario on our hands. I'm not leaving America without getting revenge even if it costs me my life. And that's that. You're not going to intimidate me by threatening to become a witness.

23. Based on my training and experience, KHAN's employment as a driver with a ride-sharing company is consistent with the references in his May 8 posts, described above, that he went on a "dry run" and "saw a couple of excellent targets" but that there were "many potential witnesses because it was a college student night." KHAN's most recent post, coupled with his ownership and possession of firearms, indicates that he has both the means and the intent to carry out his threats before he leaves the United States for Pakistan.

Search of KHAN's Residence

24. On May 14, 2015, at approximately 7:10 p.m., law enforcement executed a search warrant at KHAN's residence. KHAN's 14 year old brother directed law enforcement to KHAN's bedroom, where law enforcement recovered two computers. KHAN's father stated that KHAN is the only individual who uses those computers. There were no other computers in the house. Law enforcement also recovered from KHAN's bedroom: one semi-automatic handgun and one semi-automatic shotgun, both of which appeared to be the same firearms pictured on KHAN's Facebook profile; a total of six loaded magazines which also resemble the ammunition pictured on KHAN's Facebook profile; a knife with a blade approximately 10 inches in length; the skull mask and hat that KHAN is wearing in his profile photo while holding the shotgun; and two handwritten notes, one with what appeared to be a list of computer passwords and one listing types of guns and prices. Law enforcement recovered from the basement of the home one sword with a curved blade, approximately 24 inches in length.

KHAN's Recent Firearms Arrest

25. On May 14, 2015, between 5:00 and 6:00 p.m., law enforcement observed KHAN drive away from his residence in the Toyota when he was stopped by the DuPage Sheriff's police. KHAN was alone in the car. When asked by the police if he had any weapons in the car, KHAN admitted to having a firearm. DuPage Sheriff's police officers recovered one loaded semi-automatic Glock pistol from KHAN's Toyota. After being arrested for violating Illinois' Firearm Concealed

Carry Act, KHAN was taken into custody by the DuPage County Sheriff's Department. Approximately 3 to 4 hours later, KHAN physically attacked a police officer at the DuPage County Jail. KHAN was ultimately charged with aggravated battery to a police officer in state court.

26. Based on the information set forth herein, I respectfully submit that there is probable cause to believe that KHAN transmitted, in interstate commerce, communications threatening to injure the person of another.

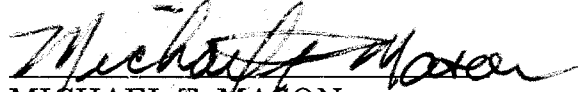
FURTHER AFFIANT SAYETH NOT.



TIMOTHY WALTHER

Special Agent, Federal Bureau of
Investigation

SUBSCRIBED AND SWORN to before me on May 15, 2015.



MICHAEL T. MASON

United States Magistrate Judge